

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
OSCAR MADRIGAL, JR.,
Defendant.

Case No. [5:18-cr-00356-EJD-3](#)

**ORDER GRANTING DEFENDANT'S
REQUEST FOR COMPASSIONATE
RELEASE**

Re: Dkt. No. 129

Defendant Oscar Madrigal, Jr. is an inmate at Santa Rita Jail in Alameda County, California. Due to the ongoing COVID-19 pandemic, Defendant requests that he be compassionately released from prison pursuant to 18 U.S.C. § 3582. *See* Petition for 18 U.S.C. § 3582 (“Mot.”), Dkt. 129; *see also* Reply to Response to Motion by Oscar Madrigal (“Reply”), Dkt. 134. The Government does not oppose this request. *See* Response to Motion by USA (“Response”), Dkt. 132. The Probation Office has provided the Court with a response to Defendant’s application and has indicated that the place Defendant intends to stay is appropriate. The Court determines that the matter is suitable for a decision without a hearing and submits the matter on the papers. For the reasons provided below, the Court **GRANTS** Defendant’s motion for compassionate release.

I. BACKGROUND

Defendant plead guilty to the sale of a firearm and ammunition to a felon in violation of 18 U.S.C. § 922(d)(1). On February 3, 2020, this Court sentenced Defendant to 12 months and one day in custody and three years of supervised release. *See* Dkt. 112. On February 5, 2020, Defendant was taken into custody and incarcerated at Santa Rita Jail. *Id.* As of the time of this

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Order, Defendant remains at the Santa Rita Jail awaiting transfer to a federal facility to serve the remainder of his sentence. Defendant's expected release date is October 17, 2020.

Defendant is 24 years old. He suffers from severe obesity and hypertension, which places him at an elevated risk of infection should he contract COVID-19. *See* Mot. at 3; *see also* Response at 3.

II. LEGAL STANDARD

18 U.S.C. § 3582(c) provides that a court may not modify a term of imprisonment once it has been imposed except "upon a motion of the Director of the Bureau of Prisons, or upon motion of the defendant." A defendant may bring a § 3582(c) motion only after he has "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons" to bring the motion on his behalf, or after "the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c)(1)(A). Upon such a motion, a court may modify a defendant's sentence "after considering the factors set forth in § 3553(a) to the extent applicable" if it finds "extraordinary and compelling reasons warrant such a reduction" and "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." *Id.* § 3582(c)(1)(A)(i). The relevant Sentencing Commission policy statement sets forth several "extraordinary and compelling reasons." U.S. Sentencing Guidelines, § 1B1.13(1)(A) & cmt. 1. Namely, whether the defendant is "suffering from a serious physical or medical condition . . . that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover." *Id.* § 1B1.13 cmt. 1(A)(ii). The Commission also requires that the defendant not pose a danger to the safety of the community. *Id.* § 1B1.13(2).¹

III. DISCUSSION

Defendant has satisfied the administrative exhaustion requirement. *See* Response at 3. Therefore, the motion hinges on whether the risks presented by COVID-19, coupled with

¹ The Government concedes that Defendant is not a danger to the community. *See* Response at 4. Case No.: [5:18-cr-00356-EJD-3](#)

Defendant's health conditions, constitute "extraordinary and compelling reasons" for his release. *See United States v. Shields*, 2019 WL 2645028, at *2 (N.D. Cal. June 27, 2019).

The Santa Rita Jail has had a number of inmates test positive for COVID-19. *See* Mot. at 9 (citing Darwin BondGraham, *How Safe is Santa Rita Jail Under COVID-19? Inmates and the Sheriff Paint Very Different Pictures* (May 12, 2020), <https://www.berkeleyside.com/2020/05/12/how-safe-is-santa-rita-jail-under-covid-19-inmates-and-the-sheriff-paint-very-different-pictures>). As of May 30, 2020, *for the second time*, Defendant's housing unit has been placed under quarantine due to COVID-19 concerns. *See* Mot. at 3. Thus, there can be no dispute that COVID-19 is a present threat at the Santa Rita Jail. Moreover, Defendant's severe obesity and hypertension place him at an elevated risk of experiencing life-threatening COVID-19 complications. *See Groups at Higher Risk for Severe Illness*, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html> (last visited June 15, 2020) (listing severe obesity and pulmonary hypertension as serious risk factors). Accordingly, given the significant risk of COVID-19 at the Santa Rita Jail and Defendant's health conditions, the Court finds that Defendant's circumstances present extraordinary and compelling reasons under U.S.S.G. § 1B1.12 and **GRANTS** Defendant's motion. *Cf. United States v. Eberhart*, 2020 WL 1450745, at *2 (N.D. Cal. Mar. 25, 2020) ("General concerns about *possible* exposure to COVID-19 do not meet the criteria for extraordinary and compelling reasons for a reduction in sentence" (emphasis added)).

IV. CONCLUSION

For the above reasons, Defendant's motion for compassionate release is **GRANTED** on the condition that he serves the remainder of his sentence in home confinement. The Court **ORDERS** as follows:


1. The Santa Rita Jail is directed to release Defendant immediately. Upon his release and during his term of home confinement, Defendant will satisfy the 14-day self-quarantine requirement.
2. Defendant will spend until October 17, 2020 in home confinement at 13754 Highwood

1 Drive, San Jose, CA 95127. He will remain in the home except that he may leave to obtain
2 medical care and treatment and at such other times as may be approved by the U.S.
3 Probation Office.

- 4 3. Defendant will then complete the three-year term of supervised release imposed in the
5 original sentence.

6 **IT IS SO ORDERED.**

7 Dated: June 15, 2020

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9 EDWARD J. DAVILA
United States District Judge

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United States District Court
Northern District of California